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Attorneys for Shameika Moody

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHAMEIKA MOODY as an individual and on
behalf all of others similarly situated,

Plaintiff,

vs.

CHARMING SHOPPES OF DELAWARE,
INC., a corporation; and DOES 1 through 50,
inclusive,

Defendants.

Case No.: C 07-06073 MHP

**STIPULATION TO REFER PLAINTIFF'S
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT AND
OBJECTION THERETO TO MAGISTRATE
JUDGE FOR FINDINGS AND
RECOMMENDATION**

[28 U.S.C. 636(b)(1)(B); Civil Local Rules 7-12,
72-1]

1 WHEREFORE, Plaintiff Shameika Moody (“Plaintiff”) and Defendants Charming Shoppes of
2 Delaware, Inc. and Lane Bryant, Inc. (“Defendants”) (together as the “Parties”), by and through their
3 respective counsel of record, hereby stipulate and agree as follows:

4 On October 6, 2008, Plaintiff filed a motion for preliminary approval of the Stipulation and
5 Agreement to Settle Class Action and Limited Release (“Settlement” or “Agreement”), reached by
6 Plaintiff and Defendants, which was originally set for hearing before this Court on November 17,
7 2008. Defendant did not oppose the motion.

8 On November 10, 2008, putative class member Stephanie Priddy (“Priddy”) filed an objection
9 and opposition to the settlement claiming, among other things, that the settlement was unfair. In
10 response, Plaintiff and Defendants each filed their respective responses/oppositions to Priddy’s
11 objection.

12 On December 2, 2008, the Court held an initial hearing on Plaintiff’s motion. The Court
13 ordered that the Parties provide Priddy with data and information pertaining to the settlement and that
14 the Parties and Priddy submit further briefing on their respective positions prior to the continued
15 hearing date. The Court continued the hearing to January 12, 2009.

16 On January 12, 2009, the Court held a further hearing on Plaintiff’s motion. The Court did not
17 rule on Plaintiff’s motion at that time but continued the matter for further hearing on March 2, 2009.
18 The Court ordered Plaintiff’s counsel to submit a supplemental declaration attesting to the valuation of
19 the claims and the reasonableness of the settlement. At the January 12 hearing, the Court also stated
20 that if further hearing was necessary that the Court would likely refer the motion to a magistrate judge
21 for a report and recommendation. *See*, Transcript of 1/12/09 Hearing 24:13-16, 26:5-11.

22 On February 27, 2009, the Court issued an order stating: “The parties are notified that the
23 hearing of the motion(s) in this matter currently on calendar for March 2, 2009, is hereby VACATED,
24 and shall be re-noticed by further order of Court. Counsel shall submit in writing, not later than March
25 9, 2009, a report on outstanding issues with this action and *C 08-5377 MHP Stephanie Priddy -v- Lane*
26 *Bryant et al.*”

27 On March 9, 2009, the Parties submitted their joint status report as ordered by the Court

describing in detail the various hearings and filings that had occurred since Plaintiff initially moved for preliminary approval of the Parties' class action settlement six (6) months earlier.

In the three (3) months since the Parties' last filing, the Court has neither re-noticed the hearing on Plaintiff's motion nor issued any orders with regard to Plaintiff's motion.

Title 28 United States Code, Section 636(b)(1)(B) provides that:

"[A] judge may also designate a magistrate judge to conduct hearings, including evidentiary hearings, and to submit to a judge of the court proposed findings of fact and recommendations for the disposition, by a judge of the court, of any motion excepted in subparagraph (A)" ¹

In order to address and permit a more fulsome discussion of any outstanding issues and move this matter closer to a ruling on Plaintiff's motion, Plaintiff and Defendants request and stipulate that the Court refer Plaintiff's Motion for Preliminary Approval of Class Action Settlement to the Honorable Elizabeth D. Laporte, United States Magistrate Judge or, in the alternative, a random assignment to a United States Magistrate Judge for the purpose of (1) reviewing and analyzing the Parties' briefings on the motion to date, including Priddy's objection and the Parties' responses thereto, (2) conducting any further hearing(s) deemed necessary, and (3) making findings of fact and recommendations for the disposition of Plaintiff's Motion for Preliminary Approval. The Parties believe that referral to a magistrate judge for the above purposes will greatly assist in moving this matter toward resolution.

IT IS SO STIPULATED.

Dated: June 9, 2009

DIVERSITY LAW GROUP

By: Larry W. Lee /S/
 Larry W. Lee
 Attorneys for Plaintiff Shameika Moody

¹ One of the motions excepted in subparagraph (A) of Section 636(b)(1) is a motion "to dismiss or to permit maintenance of a class action". Plaintiff's present motion appears to fall within the scope of "excepted motions", as it seeks preliminary

Dated: June 9, 2009

MORGAN, LEWIS & BOCKIUS, LLP

By: Eric Meckley /S/
Eric Meckley
Attorneys for Defendants Lane Bryant, Inc. and
Charming Shoppes, Inc.

approval of a class action settlement.

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STIPULATION TO REFER MOTION TO MAGISTRATE JUDGE
C 07-06073 MHP

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Case No.: C 07-06073 MHP

**~~[PROPOSED]~~ ORDER TO REFER
PLAINTIFF'S MOTION FOR
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT AND OBJECTION
THERE TO MAGISTRATE JUDGE FOR
FINDINGS AND RECOMMENDATION**

[28 U.S.C. 636(b)(1)(B); Civil Local Rules 7-12,
72-1]

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The parties having so stipulated, and GOOD CAUSE APPEARING THEREFORE, it is hereby ordered that Plaintiff's Motion for Preliminary Approval of Class Action Settlement be referred to the Honorable _____, United States Magistrate Judge, for the purpose of (1) reviewing and analyzing the Parties' briefings on the motion to date, including Priddy's objection and the Parties' responses thereto, (2) conducting any further hearing(s) deemed necessary, and (3) making findings of fact and recommendations for the disposition of Plaintiff's Motion for Preliminary Approval.

Date: 9/24/2009

